

**MINUTES OF THE REGULAR MEETING
OF THE PLANNING BOARD
HELD IN THE TRUSTEES' ROOM, VILLAGE HALL
ON WEDNESDAY, AUGUST 6, 1997**

Members

Present: Patrick J. Gilmartin, Chairman
Robert Buford
William Hoffman
Peter Lilienfield
Allen Morris, Secretary

Also Present: Kevin J. Plunkett, Village Counsel
Ralph Mastromonaco, Bruce Donohue, & Tim
Miller,

Consultants to the Planning Board
Brenda Livingston & Joseph Elliot, Ad Hoc
Planning Board

Members
Eugene Hughey, Building Inspector
Florence Costello, Planning Board Clerk
Thomas Jackson, E.C.B. Chair
Peter Kent, Court Reporter, for Westwood
Development Assoc.
Applicants and other persons mentioned in
these Minutes
Members of the Public.

IPB Matters

Considered: 94-03 -- Westwood Development
Associates, Inc.

Sht.10,10C,11,Lots
25K,25J2,25K2,25A,26A
96-13 -- Louis W. Goodkind
Sht. 10F, Bl. 253, Lot 15
96-30 -- Renato Rancic
Sht. 13B, P9B,P25A,P69A,Lot #3
97-14 -- Ettore & Maria D'Alessio
Sht. 13, Lot 141A
97-18 -- Jonathan Elwyn & Heidi Jellinghaus
Sht. 11, P-68
97-20 -- Irvington Associates
Sht. 12B, Lot 3
97-21 -- Joseph Daniel
Sht. 10D, Bl. 240, Lots 16 & 17

The Chairman called the meeting to order at 8:00 P.M.

[illegible]

Mr. Joseph Daniel, owner, and his builder, Mr. Ralph Vighante, appeared personally for the Application. Applicant paid the required application fee and submitted evidence of mailing of required Notice to Affected Property Owners. Applicant plans to construct a one family residence.

The Chairman noted that at a September 6, 1995 Planning Board meeting, the Board determined the Site Capacity of the property was zero (0) dwelling units. A Zoning Board of Appeals variance, to permit the construction of a one family house, was granted December 12, 1995, expired December 21, 1996, and the ZBA granted an extension of the variance. A condition of the variance is that the Planning Board approve the site development plan for the lot.

The Chairman opened this meeting to public discussion. Mrs. Jane Lyons, a neighbor, cited blasting and safety concerns. Mr. Joseph Carroll, a neighbor, cited building height, building size, blasting and drainage problems. Ralph Mastromonaco's memo, dated 8/6/97, listed comments to be addressed by Mr. Daniel at the next meeting. The Board adjourned the application to the September meeting.

IPB Matter #97-20: Application of Irvington
Associates for Site
Development Plan Approval for Lot #3, Legend Hollow.

Craig Studer, Project Manager at Legend Hollow, appeared for the Applicant. Applicant paid an application fee and provided an Affidavit of Publication and evidence of mailing of required Notice of the Public Hearing to Affected Property Owners.

E.C.B. comments dated July 28, 1997 and Ralph Mastromonaco's memo dated August 5, 1997 were considered.

The Chairman opened the public hearing. There were no comments from the Public. The Board then took the following action. It approved Site Plan (Lot #3) dated July 2, 1997, revised August 4, 1997. The Site Plan included revisions as per Mr. Mastromonaco's recommendations and the Planning Board's site walk.

Ministerial:

- IPB Matter #97-16 (Legend Hollow Lot #34) is to be reviewed in September. The record is also to be examined to determine whether the Village, the Developer or someone else is responsible for maintenance of the emergency access route to the development coming from the Halsey Pond vicinity.
- Mr. Craig Studer, noted Irvington Associates, Legend Hollow Subdivision, has submitted a Site Development Plan Approval Application for Lot #38, for review and public hearing at the September 3, 1997 Planning Board meeting. A site walk will be set up.

IPB Matter #97-18: **Application of Jonathan D. Elwyn
& Heidi G.B.**

**Jellinghaus for Site Development Plan
Approval
for property at 202 Hermit's Road.**

Stephen Tilly, Architect, and Jon Elwyn appeared on behalf of the Application and presented a site plan "Addition to the Home of Heidi Jellinghaus & John Elwyn, prepared by Stephen Tilly, dated July 25, 1997," requested at the July meeting. The Board requested Kevin Plunkett to determine if additions to a residence in the Irvington watershed can be approved.

Mr. Mastromonaco's memo dated August 6, 1997 set out drainage recommendations for the proposed driveway should the one eventually be built as shown in concept on the referenced drawing. The Applicant confirmed, however, that the present application was not requesting site development plan approval for such driveway but that such approval will be requested if and when there is an actual intent to build it.

IPB Matter #97-14: Application of Ettore & Maria
D'Alessio for Site Development
Plan Approval and Preliminary
Subdivision Approval for property at 27 Hamilton
Road.

Christina Griffin, Architect, and Gerald D. Reilly, Esq., appeared for the Applicant. Applicant submitted an Affidavit of Publication and evidence of mailing of the required Notice of Filing of the Application to Affected Property Owners, and "Survey/Site Plan, prepared for Ettore D'Alessio, by Charles Riley, L.S., dated January 31, 1997, revised July 16, 1997.

The Chairman expressed concern that the survey and deed descriptions of the right of way leading to the property from Broadway did not match in all respects and asked the Applicant to investigate why this is so and advise the Board. Mr. Plunkett was asked to provide an opinion on frontage requirements in the Village Code (Section 243.88-2). Other cited problems were subdivision property lines and driveway access. The Chair opened the meeting for public discussion. Mr. Leahy, 20 East Clinton Avenue, cited errors in abutting property ownership and sewer easements, which must be verified. Mr. Hurwitz, 34 Hamilton Road, wanted to know which variances were required. Mrs. Rose Zuckerman, 55 Hamilton Road, cited acreage, zoning, and potential traffic problems. Additionally, Mr. Mastromonaco listed concerns (memo dated August 6, 1997), with the preliminary site plan.

IPB Matter #96-30: Application of Renato Rancic for
Site Development Plan Approval for Lot
#3, Dedyo Subdivision.

David Steinmetz, Esq., of Shamburg Marwell Cherneff Hocherman Davis & Hollis, P.C., and Alan Pilch of John Meyer Consulting, appeared for the Applicant. This meeting is a continuation of the July Public Hearing. Mrs. Mahon, a neighbor, wants the Applicant to repair or replace an old drain pipe on her property which carries water from surrounding areas, including the Rancic Lot. Mr. Gilmartin emphasized the Planning Board would not be involved in any agreement between Mr. Rancic and the Mahons'. Mrs. Brenda Livingston was concerned that the flow rate draining into Harriman Keep's pond would cause rapid silting and Mr. Mastromonaco explained the

engineering features of the site plan which are aimed at avoiding this problem.

The Public Hearing was closed. Mr. Mastromonaco had reviewed the revised drainage plan, memo dated August 5, 1997, and was satisfied with it. The Planning Board voted and approved the Revised Site Development Plan, "Site Plan (Lot #3) Rancic Property, prepared by John Meyer Consulting, dated May 7, 1997, last revised August 6, 1997, Sheet SDP-4", "Utility Plan (Lot #3) Rancic Property, prepared by John Meyer Consulting, dated May 7, 1997, last revised August 6, 1997, Sheet SDP-5" and "Construction Details (Lot #3) Rancic Property, prepared by John Meyer Consulting, dated May 7, 1997, last revised August 4, 1997, Sheet SDP-6". The Resolution granting final site development plan approval and amended limited site development plan approval for Lot 3 in the Dedyo Subdivision, dated August 6, 1997, is attached to these Minutes.

IPB Matter #96-13: **Application of Louis W. Goodkind**
for Preliminary
Layout Approval for a two lot
Subdivision of property
at Harriman Road and Fieldpoint Drive.

Gerald D. Reilly, Esq., appeared for the Applicant. Mr. Gilmartin expressed concerns on the grading of parcel #1. The Chairman noted a letter from Donald Casadone, Assistant Superintendent of Public Works dated August 6, 1997 regarding the proposed brook crossing. Mr. Casadone has reviewed the plans for the proposed brook crossing and finds them acceptable. Mr. Mastromoaco's memo, dated August 6, 1997, listed a series of concerns. Mr. Gilmartin opened the meeting to the public. Mr. Goldman of Fieldpoint recommended a no parking zone be established on Fieldpoint Drive for safety. Mr. Gilmartin asked Mr. Plunkett to advise the Police Chief. The Public Hearing was closed.

The Board advised Mr. Reilly he must: 1) Address Mr. Mastromonaco's concerns. 2) Readjust the house site on the slopes. 3) Show site grades on future maps. 4) Show all drain pipes from the Reservoir which are on or under the property as per Mr. Casadone's request.

**IPB Matter #094-03: Application of Westwood
Development Associates
for Limited Site Development Plan
Approval for
property at Broadway, Riverview Road
and Mountain
Road.**

Messrs. Padraic Steinschneider, Charles Pateman, and Peter Leibovitz, Westwood Project Engineer, appeared for the application. Mr. Steinschneider requested the meeting be an informal discussion about revising the list of alternatives to be discussed in the DEIS and highlight the important areas of concern. Mr. Steinschneider advised a prior meeting with our consultants had been very helpful.

Mr. Peter Leibovitz, Westwood Project Engineer, listed five major concern areas (letter dated July 28, 1997): 1) Roads within Westwood. 2) Storm Drains. 3) Access to the project. 4) Rural character versus the engineering standard. 5) Building alternatives; a. No action b. Original proposal, c. Reduced lots, no waivers d. Attached housing (Tract A).

Some discussion ensued on each topic. Roads: 18 ft. minimum width required. All roads are private if access is through school property. "Tract B" road grade must be addressed by reduced speed limit, putting in a "T", or re-routing. Storm Drains: Various building alternatives change drains sites and function. In "Tract B" polishing of runoff is proposed prior to flow to the reservoir. Legal Access: Only easement through school property is possible. Link Road is not feasible until the School Board grants Westwood access over school property which separates Westwood's property from Link Road. Westwood Engineer felt Riverview Road was not feasible. Building: The Chairman felt that attached town houses would impact "Tract A" least, and should be given consideration.

Paul B. Bergins, School Board Attorney, has yet to advise the Planning Board of the School Board's position. Westwood's Attorney will present the Board with documents on easements through the school's property. Kevin Plunkett was asked to determine if each lot in the subdivision must have a site capacity of one (1) dwelling unit or if this requirement of Village Code Section 207-19.F.(2) is overridden by the clustering provisions.

Joel Sachs, Fieldpoint Attorney, asked that Westwood's drainage not impact Fieldpoint.

A stenographic transcript of the proceedings was made and will be filed as part of the Board's record on this matter.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on July 2, 1997, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for September 3, 1997.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Allen Morris, Secretary